

APPENDIX B

NURSE AIDE TRAINING & COMPETENCY EVALUATION PROGRAM



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**UTAH DEPARTMENT OF HEALTH
DIVISION OF HEALTH CARE FINANCING**

NURSE AIDE TRAINING AND COMPETENCY EVALUATION PROGRAM PROVIDER MANUAL

1 ADMINISTRATION

The Omnibus Budget Reconciliation Acts of 1987, 1989, and 1990 include provisions prohibiting facilities from using any individual working in the facility as a nurse aide for more than four months, on a full-time basis, who have not successfully completed a nurse aide training and competency evaluation program or competency evaluation program approved by the state.

- A. Training and competency evaluation programs will be administered through the State Office of Vocational Education, Office of Education; as per a contract with the Division of Health Care Financing, Department of Health;
- B. All agencies conducting nurse aide training programs must be approved by the State Office of Vocational Education;
- C. Each area vocational center, community college, or nursing facility conducting nurse aide training programs must designate a qualified registered nurse to oversee training and instruction;

1 - 1 Acronyms and Definitions

For purposes of the nurse aide training and competency evaluation program, the following acronyms and definitions apply:

Certification means that a nurse aide has passed the written and skills examination, received a certificate of completion from the State Office of Vocational Education, and has his or her name entered into the Nurse Aide Registry

Nurse Aide means any individual providing nursing or nursing-related services to residents in a facility who is not a licensed health professional, a registered dietitian, or someone who volunteers to provide such services without pay

Nurse Aide Registry a registry established to identify individuals who have successfully completed and passed the nurse aide examinations (both written and skills) and to document substantiated allegations of abuse, neglect, or misappropriation of property. It is also the entity contracted through the State Office of Vocational Education to administer day-to-day operations of the Nurse Aide Training and Competency Evaluation Program.

1 - 2 Program Approval

- A. The State Office of Vocational Education will review and render a determination regarding approval or disapproval of any nurse aide training when requested to do so by a Medicare/Medicaid-participating nursing facility. The State Office of Vocational Education, at its option, also may agree to review and render approval or disapproval of any nurse aide training program when requested to do so by another entity.
- B. The State Office of Vocational Education must within 30 days of the date of an acceptable request, either advise the requestor of the State Office of Vocational Education's determination or must request additional information from the requesting entity with respect to the program for which it is seeking approval.
- C. Nursing facilities may apply for approval of a nurse aide training program by completing an application provided by the State Office of Vocational Education.

- D. The State Office of Vocational Education will visit the entity providing the program in all reviews for approval other than the initial review.
- E. The State Office of Vocational Education may not grant approval of a nurse aide training program for a period of more than two years.
- F. If a substantive change occurs within the program within the two-year period, facilities must notify the State Office of Vocational Education so an onsite review may be conducted.

1 - 3 Prohibition of Program Approval

The State Office of Vocational Education may not approve nurse aide training and competency evaluation programs offered by or in a nursing facility if, in the two years prior to review, that facility:

- A. has operated under a waiver that was granted on the basis of a demonstration that the nursing facility was unable to provide nursing care required for a period in excess of 48 hours per week;
- B. has been subject to an extended (or partial extended) survey;
- C. has been assessed a civil money penalty of not less than \$5,000; or
- D. has been subject to a remedy.

1 - 4 Withdrawal of Approval

The State Office of Vocational Education must withdraw approval from:

- A. any nurse aide training and competency evaluation program described in section above;
- B. any nurse aide training and competency evaluation program if the entity offering the program refuses to permit unannounced state visits;
- C. any nurse aide training and competency evaluation program which does not meet the requirements of 42 CFR 483.152 and 483.154, or the standards established by the State Office of Vocational Education.

When withdrawing approval from a Nurse Aide Training and Competency Evaluation Program, the State Office of Vocational Education will:

- A. notify the program in writing, indicating the reason or reasons for withdrawal of approval; and
- B. permit students who have already started the program to finish it.

2 REQUIREMENTS OF NURSE AIDE TRAINING AND COMPETENCY EVALUATION PROGRAM

2 - 1 Training Program Requirements

The State Office of Vocational Education will approve any nurse aide training program which meets the criteria specified in 42 CFR 483.152.

A. All nurse aides will receive an orientation program which includes, but is not limited to, an explanation of:

- (1) the organizational structure of the facility;
- (2) facility policies and procedures;
- (3) the philosophy of care of the facility;
- (4) the description of the resident population; and
- (5) employee rules.

This facility orientation phase of the training program is not included in the required 80 hours of training even when provided by entities other than nursing facilities.

B. For a nurse aide training and competency program to be approved by the State Office of Vocational Education, it must, at a minimum—

- (1) consist of no less than 80 clock hours of training;
- (2) include at least 16 hours of supervised practical training. *Supervised practical training* means training in a laboratory or other setting in which the trainee demonstrates knowledge while performing tasks on an individual under the direct supervision of a registered nurse or a licensed practical nurse;
- (3) ensure that--
 - (a) students do not perform any services for which they have not trained and been found proficient by the instructor; and
 - (b) students who are providing services to residents are under the general supervision of a licensed nurse or a registered nurse;
- (4) meet the following requirements for instructors who train nurse aides:
 - (a) The training of nurse aides must be performed by or under the general supervision of a registered nurse who possesses a minimum of two years of nursing experience, at least one year of which must be in the provision of long-term care facility services;
 - (b) The training of nurse aides in a facility-based program may be performed under the general supervision of the director of nursing for the facility who is prohibited from performing the actual training; and
 - (c) Other personnel from the health professions may supplement the instructor, including but not limited to, registered nurses, licensed practical/vocational nurses, pharmacists, dietitians, social workers, sanitarians, fire safety experts, nursing home administrators, gerontologists, psychologists, physical and occupational therapists, activities specialists, speech/language/hearing therapists, and resident rights experts. Supplemental personnel must have at least one year of experience in their fields.

- (d) Instructors must have completed a course in teaching adults or have experience in teaching adults or supervising nurse aides. An arrangement is in place with Weber State University to offer a home study course entitled "Educate the Educator" to nursing facilities for the convenient completion of the training requirement by program coordinators/instructors. This study course is the equivalent of 16 clock hours. The following requirements will fulfill the training mandate:
- Coordinators/instructors of nurse aide training programs have 90 days to complete the course after becoming a program coordinator/instructor.
 - If the course has not been completed within 60 days, the Nurse Aide Registry will send a letter reminding the program coordinator/instructor that only 30 days remain to complete the course.
 - If documentation of course completion is not received by the end of the 90 days, approval to coordinate/instruct the nurse aide training program will be denied.
 - If the coordinator/instructor training requirement is not met, the nursing facility may have approval to conduct the nurse aide training and competency evaluation program withdrawn.
 - Those program coordinators/instructors who have a current "Certificated Education" certificate from the State Office of Education are exempted from completing the Educate the Educator course. A copy of the certificate must be submitted with the application for approval to instruct a facility-based nurse aide training program.
- C. Minimal content requirements must be met for the nurse aide training program to be approved by the State Office of Vocational Education. The curriculum of the nurse aide training program must include at least the following subjects:
- (1) At least a total of 16 hours of training in the following areas prior to any direct contact with a resident:
- (a) communication and interpersonal skills;
 - (b) infection control;
 - (c) safety/emergency procedures, including the Heimlich maneuver;
 - (d) promoting residents' independence; and
 - (e) respecting residents' rights;
- (2) The skills training of at least 16 hours will ensure that each nurse aide, at a minimum, demonstrates competencies in the following areas:
- (a) Basic nursing skills
 - (i) taking and recording vital signs;
 - (ii) measuring and recording height and weight;
 - (iii) caring for the residents' environment;
 - (iv) recognizing abnormal changes in body functioning and the importance of reporting such changes to a supervisor; and
 - (v) caring for residents when death is imminent.

(b) Personal care skills, including, but not limited to--

- (i) bathing;
- (ii) grooming, including mouth care;
- (iii) dressing;
- (iv) toileting;
- (v) assisting with eating and hydration;
- (vi) proper feeding techniques;
- (vii) skin care; and
- (viii) transfers, positioning, and turning.

(c) Mental health and social service needs

- (i) modifying aide's behavior in response to residents' behavior;
- (ii) awareness of developmental tasks associated with the aging process;
- (iii) how to respond to resident behavior;
- (iv) allowing the resident to make personal choices, providing and reinforcing other behavior consistent with the resident's dignity;
- (v) using the resident's family as a source of emotional support.

(d) Care of cognitively-impaired residents

- (i) techniques for addressing the unique needs and behaviors of individuals with dementia (Alzheimer's and others);
- (ii) communicating with cognitively-impaired residents;
- (iii) understanding the behavior of cognitively-impaired residents;
- (iv) appropriate responses to the behavior of cognitively-impaired residents; and
- (v) methods of reducing the effects of cognitive impairments.

(e) Basic restorative services

- (i) training the resident in self-care according to the resident's abilities;
 - (ii) use of assistive devices in transferring, ambulation, eating, and dressing;
 - (iii) maintenance of range of motion;
 - (iv) proper turning and positioning in bed and chair;
 - (v) bowel and bladder training; and
 - (vi) care and use of prosthetic and orthotic devices.
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(f) Residents' rights

- (i) providing privacy and maintenance of confidentiality;
- (ii) promoting the residents' right to make personal choices to accommodate their needs;
- (iii) giving assistance in resolving grievances and disputes;
- (v) maintaining care and security of residents' personal possessions;
- (vi) promoting the resident's right to be free from abuse, mistreatment, and neglect and the need to report any instances of such treatment to appropriate facility staff;
- (vii) avoiding the need for restraints in accordance with current professional standards.

D. *Required retraining.*

Nurse aides who have not performed paid services for a continuous period of 24 months since the most recent completion of a training and competency evaluation program will be required to undergo retraining. One documented day (e.g., eight hours) of employment providing nursing or nursing-related services for monetary compensation would be sufficient.

E. *Regular in-service education*

The facility must complete a performance review of every nurse aide at least one every 12 months, and must provide regular in-service education based on the outcome of these reviews. The in-service training must

- (1) be sufficient to ensure the continuing competence of nurse aides, but must be no less than 12 hours per year;
- (2) address areas of weakness as determined on nurse aides' performance reviews and may address the special needs of residents as determined by the facility staff; and
- (3) for nurse aides providing services to individuals with cognitive impairments, also address the care of the cognitively impaired.

2 - 2 Nurse Aide Competency Evaluation

A. *Notification to individual*

The State Office of Vocational Education must advise in advance any individual who takes the competency evaluation that a record of the successful completion of the evaluation will be included in the Nurse Aide Registry.

B. *Demonstration of skills*

The skills demonstration must consist of a demonstration of randomly-selected items drawn from a pool consisting of the tasks generally performed by nurse aides. The pool of skills must include all of the personal care skills listed in section 2 - 1.

C. *Administration of the competency evaluation*

- (1) The competency examination (both written and skills) must be administered and evaluated only by an approved entity which is neither a skilled nursing facility that participates in Medicare nor a nursing facility that participates in Medicaid.
- (2) The skills demonstration part of the evaluation must be--
 - (a) performed in a facility or laboratory setting comparable to the setting in which the individual will function as a nurse aide; and

- (b) administered and evaluated by a registered nurse with at least one year's experience in providing care for the elderly or the chronically ill of any age.
 - (3) The written examination may be proctored by facility personnel only when the State Office of Vocational Education is confident that the competency evaluation program is secure from tampering, is standardized and scored by a testing, education or other organization approved by the State Office of Vocational Education, and requires no actual administration or scoring by facility personnel.
- D. *Successful completion of the competency evaluation program*
- (1) To complete the competency evaluation successfully an individual must pass both the written or oral examination and the skills demonstration.
 - (2) A record of successful completion of the competency evaluation must be included in the nurse aide registry within 30 days of the date if the individual is found to be competent.
- E. *Unsuccessful completion of the competency evaluation program*
- (1) If the individual does not complete the evaluation satisfactorily, the individual must be advised of the areas which he or she did not pass; and
 - (2) The State Office of Vocational Education may impose a maximum upon the number of times an individual may attempt to complete the competency evaluation successfully, but the maximum may be no less than three.

2 - 3 Recertification of nurse aides

OBRA 1987 requires that nurse aides be recertified every two years. The following policy will be adhered to in the recertification of nurse aides--

- A. At least 45 days before the expiration of the nurse aide's certification, the Nurse Aide Registry will send a renewal application and instructions to the nurse aide. An information copy will also be sent to the nursing facility.
- B. The nurse aide must complete the renewal application and have the training coordinator or nursing facility administrator verify that the nurse aide has performed nursing or nursing-related services for monetary compensation within the two years since certification. The minimum accepted employment as a nurse aide is one documented day (eight hours).
- C. The renewal application must be submitted to the Nurse Aide Registry no later than the expiration date of the original certification. The postmark will be used to determine the timeliness of the submission. If the application is submitted after this date, the nurse aide will be assessed a \$10 late fee. When this fee is received, the application will be processed.
- D. The late fee may be waived at the discretion of the Nurse Aide Registry if documentation can be provided of extenuating circumstances that caused the application to be late.
- E. When all requirements have been met, the Nurse Aide Registry will send a letter to the nurse aide with a copy to the nursing facility informing them of recertification for another two years.

2 - 4 Denial of Recertification

- A. If the application for recertification is received at the Nurse Aide Registry 30 days or more after the deadline date, the request for recertification will be denied.
- B. If the nurse aide still desires to be certified and continue working as a certified nurse aide, he or she must recertify by passing both the written examination and the skills demonstration.

3 NURSE AIDE REGISTRY

3 - 1 Establishment of registry

- A. A central nurse aide registry has been established and is maintained at the Davis Applied Technology Center (DATC) under the direction of the State Office of Vocational Education. This registry includes identification of individuals who have successfully completed and passed the nurse aide training and/or completed competency evaluation program with a passing score of 75 percent or above.
- B. The registry also documents substantiated allegations of resident neglect, abuse, or misappropriation of resident property by a nurse aide in a nursing facility, including an accurate summary of the findings. If the nurse aide disputes the findings, this information will also be entered into the registry.
- C. The Department of Health's Bureau of Medicare/Medicaid Survey and Certification shall investigate such complaints. Before a substantiated claim can be entered against the nurse aide, he or she will be entitled to a hearing to be conducted through the Division of Health Care Financing.
- D. A nursing facility must not permit an individual to provide nurse aide services unless the facility has checked the credentials of the nurse aide through the nurse aide registry.

3 - 2 Registry content

- A. The registry must contain at least the following information on each individual who has successfully completed a nurse aide training and competency evaluation program or a competency evaluation and has been found to be competent to function as a nurse aide--
 - (1) the individual's full name;
 - (2) information necessary to identify each individual;
 - (3) the date the individual became eligible for placement in the registry through successfully completing a nurse aide training and competency evaluation program or competency evaluation program;
 - (4) the following information on any finding by the survey agency of abuse, neglect, or misappropriation of property by the individual:
 - (a) documentation of the survey agency's investigation, including the nature of the allegation and the evidence that led the survey agency to conclude that the allegation was valid;
 - (b) the date of the hearing, if the individual chose to have one, and its outcome; and
 - (c) a statement by the individual disputing the allegation, if he or she chooses to make one; and
 - (d) this information must be included in the registry within 10 working days of the finding and must remain in the registry permanently, unless the finding was made in error, the individual was found not guilty in a court of law, or the Nurse Aide Registry is notified of the individual's death.
- B. The registry must remove entries for individuals who have performed no nursing or nursing-related services for a period of 24 consecutive months, unless the individual's registry entry includes documented findings of abuse, neglect, or misappropriation of property.

3 - 3 Disclosure of information

- A. The registry must disclose the date the individual became eligible for placement in the registry through successfully completing a nurse aide training and competency evaluation program and any findings of abuse, neglect, or misappropriation of property by the individual to all requesters and may disclose additional information it deems necessary; and
- B. Promptly provide individuals with all information contained in the registry on them when adverse findings are placed on the registry and upon request, individuals on the registry must have sufficient opportunity to correct any misstatements or inaccuracies contained in the registry.

3 - 4 Reporting abuse or neglect occurring in nursing facilities

Various agencies in the state have the authority to conduct investigations and make findings; however, only those agencies listed below are required by law to be notified of the complaints.

- A. By state law, Adult Protective Services (APS) and Child Protective Services (CPS) [in those cases involving individuals under 18 years of age] are the primary responsible agencies to be notified of complaints of abuse, neglect, and exploitation. [**Adult Protective Services Act, 62A-3-302, Utah Code Annotated, 1953 as amended.**]
- B. Federal regulations require that the agency in charge of the survey and certification process (Bureau of Medicare/Medicaid Certification and Survey and Resident Assessment) must be notified of allegations of abuse, neglect, and exploitation when occurring in a Medicare/Medicaid certified nursing facility. Notification is required when the facility's own investigation shows that a staff member is involved. The Resident Assessment Section has been designated as the intake unit. [**42 Code of Federal Regulations 483.13(c)(B)(iii)(2)**]
- C. APS/CPS and Bureau of Medicare/Medicaid Certification and Survey and Resident Assessment evaluate complaints according to internal procedures. Referral to appropriate agencies may be made as necessary such as to local law enforcement agencies, Medicaid Fraud, Ombudsman, Health Facility Licensure, etc.

4 REIMBURSEMENT POLICY

4 - 1 Cost of training and testing nurse aides

- A. Actual costs of training and testing, as opposed to state costs for administration, are costs of nursing facilities and are reimbursed through the per diem rates set by the Division of Health Care Financing.
- B. No nurse aide may be charged for any portion of a nurse aide training and competency evaluation program, including any fees for textbooks or other required course materials. The cost of nurse aide training and competency evaluation is borne by the Medicaid and Medicare programs. It is inappropriate for a facility to ask a nurse aide to repay the facility for an expense for which it has already been paid. It is also not appropriate for nursing facilities to have contracts which indicate that nurse aides will have to repay the facility for their training if they do not remain with the facility for a specified period of time.
- C. No charges for competency examinations may be imposed on any nurse aide.

4 - 2 Reimbursement for Nurse Aides Who Become Employed 12 Months or Less after Completing Training

Section 483.158 of the final OBRA regulations explains that *"States must provide for the reimbursement of costs associated with nurse aide training and competency evaluation programs (NATCEP) or competency evaluation programs (CEP) for nurse aides who become employed by (or who receive an offer of employment from) a (nursing) facility not later than twelve months after completion of an NATCEP or CEP."*

- A. The agency designated to coordinate reimbursement applications and payments is the Utah Nurse Aide Registry.
- B. Costs may not be reimbursed if an individual fails to meet all of the requirements and/or does not submit the necessary documents.
- C. *Qualifying for reimbursement*
 - (1) Individuals must work a minimum of three months in a Medicare or Medicaid certified facility before an application for reimbursement will be considered by the Nurse Aide Registry. The maximum reimbursement is possible only when an individual works in a facility for at least one 12-month period following completion of a nurse aide training and competency evaluation program or competency evaluation program; and a minimum of an average of 20 hours per week during the 12-month period.
 - (2) A maximum of \$200 for training, and \$35 for competency evaluation costs may be reimbursed. The individual is not eligible for reimbursement for costs if employed by a facility who paid for any part of the competency evaluation.
 - (3) If the applicant is employed less than 30 days and works less than an average of 20 hours per week at a certified facility, no reimbursement will be made for that 30-day period.
 - (4) If the individual changes employment during the one-year period following completion of a nurse aide training and competency evaluation program or competency evaluation program, more than one facility may be responsible for costs.

D. *Reimbursement procedure*

- (1) The individual seeking reimbursement submits an application to the Nurse Aide Registry for training and/or competency evaluation costs, including both of the following:
 - (a) employment verification forms (Provided by the Nurse Aide Registry) Form must be signed by the administrator or director of nursing at the facility.
 - (b) receipt(s) of the amount paid for training and competency evaluation program
- (2) The Nurse Aide Registry will bill the facility (or facilities) for the cost of training and/or competency evaluation when necessary documentation of employment is received (and substantiated) with proof of payment for training and/or competency evaluation. The facility will send payment to the Nurse Aide Registry who will forward the reimbursement to the applicant.
- (3) The nurse aide training program may be withdrawn from facilities failing to provide either employment documentation for an individual or reimbursement of valid costs.

E. *Reimbursement schedule*

Reimbursement will be paid according to the following schedule at the rate of 10 percent of nurse aide training and competency evaluation costs (\$200 for training and up to \$35 for testing) per month (defined as 30 days) of employment:

REFUND RATES		
3 months	10%	\$ 23.50
4 months	20%	47.00
5 months	30%	70.50
6 months	40%	94.00
7 months	50%	117.50
8 months	60%	141.00
9 months	70%	164.50
10 months	80%	188.00
11 months	90%	211.50
12 months	100%	235.00